

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JAMES S. COOK,

Plaintiff,

v.

Case No. 09-C-224

T. WALDERA,

Defendant.

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**ORDER**

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The plaintiff is a state prisoner proceeding pro se. He seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (“PLRA”) enacted April 26, 1996, the plaintiff is required to pay the statutory filing fee of \$350.00 in full for this action. 28 U.S.C. § 1915(b)(1). *In forma pauperis* status, if granted, allows the prisoner to pay the filing fee in increments. See 28 U.S.C. § 1915(b).

Plaintiff has submitted a trust account statement showing an ongoing balance of roughly \$550, well in excess of the filing fee in this case. Because he is an inmate, his housing, board and medical care are all provided largely or exclusively at taxpayer expense. I thus conclude that Plaintiff is not impoverished for purposes of § 1915. The motion to proceed *in forma pauperis* is therefore **DENIED**. If Plaintiff wishes to proceed with this lawsuit, he must pay the entire filing fee within twenty-one days of the date of this order. Otherwise, the case will be dismissed.

**Notice to Plaintiff:** If you do not wish to pay the filing fee as set forth in this order or wish to voluntarily dismiss this action to avoid incurring a “strike” under § 1915(g), you must notify the

court by writing a letter to the clerk of court within twenty-one days of the date of this order, stating that you wish to voluntarily dismiss this civil action. If you write such a letter, this case will be dismissed without prejudice. Voluntary dismissal will not be counted as a "strike" under § 1915(g).

If, however, you simply do not pay the initial partial filing fee within the period set forth in this order, this case may be dismissed with prejudice, and you will still be required to pay the entire \$350.00 filing fee. A dismissal for failure to pay the initial partial filing fee generally is not counted as a “strike” under § 1915(g), however.

**SO ORDERED** this 27th day of April, 2009.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge